

## **Remarks**

Claims 25 to 40 are pending before and claims 25-44 are pending after entry of the amendment..

The term "unbalanced" added to independent claims 25 and 33 is supported by the unequal ratios of ions stated throughout the specification and repeated in the claims. Accordingly, new matter has not been added.

Claims 41 to 44 are re-statements of the claims using an alternative that the European Patent Office found acceptable when that office allowed claims to the same invention. The recitation of moieties in the second paragraph of claim 41 is supported, for example, by paragraph 30 of the published patent application. The recitation of pH is supported by paragraph 43, and the recitation of species in claim 44 is supported, for example by original claim 18. Accordingly, new matter has not been added.

Reconsideration and allowance are requested.

### **Rejections under 35 USC 102 and 103**

On pages 3 to 10 of the office action, claims 25 to 40 are rejected on alleged prior art grounds in view of JP11-180836; JP11-323380; JP7-331281; JP11-323378; JP2000-265191; JP08-003585; and US5,616,552.

Every cited reference lacks an essential claim element. Each lacks the unbalanced ratio(s) claimed in each of the claims. There is no description, either explicit or inherent of the claimed ratios in any of JP11-180836; JP11-323380; JP7-331281; JP11-323378; JP2000-265191; JP08-003585; and US5,616,552.

Applicant points out that applicant is not claiming an ion pair. Applicant is claiming a surfactant having an unbalanced ratio of dissolved substances that provides an unexpected benefit. Without wishing to be bound by any one theory for how the invention might work, applicant believes that the unbalanced ratio of dissolved ions provides a significant percentage of ion pairs that have a cationic amino acid near the anionic amino acid surfactant INSTEAD of sodium or potassium, and thus apparently differs from the cited art in this chemical way. Lathering is conjectured to be extremely sensitive to such counter ion.

Applicant points out that the argument on page 6 middle of the office action "will mix when used and inherently form the same surfactant as recited" does not cover the claimed invention because although some of the individual pairings in the dissolved product arguably are found in the cited art, much are not, and it is this imbalance that is claimed.

The claims recite an overall solution property, not the presence of absence of a single type of moiety or ion pair moiety.

To help make it more clear that the claimed invention is to a surfactant with such imbalance and not to a particular kind of ion pair *per se*, the term "unbalanced" has been added to claims 25-40. This term is in the preamble. However, because further details of the imbalance are provided in the claim main body, this added term has meaning for interpreting the claim.

To more particularly point out and distinctly claim the invention, alternative restatements of claims that were found acceptable in Europe are provided as new claims 41-44.

Reconsideration and allowance are requested.

If a telephone conversation can facilitate disposition of this case, the Examiner cordially is requested to contact the undersigned attorney at 202-828-1008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marvin A. Motsenbocker", written over a horizontal line.

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